

UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO
SENTENCING MINUTE SHEET

CR No.	09-3601-MV	USA vs.	Phillips				
Date:	2/16/12	Name of Deft:	Nicholous Phillips				
Before the Honorable		Martha Vázquez					
Time In/Out:	1:51 p.m./2:55 p.m.			Total Time in Court (for JS10):		1 hour, 4 minutes	
Clerk:	Linda Romero			Court Reporter:		Susan Sperry	
AUSA:	Norman Cairns			Defendant's Counsel:		Tom Jameson	
Sentencing in:	Santa Fe, NM			Interpreter:		None	
Probation Officer:	Virvian Yazzie			Sworn?		Yes	No
Convicted on:	<input checked="" type="checkbox"/>	Plea		Verdict	As to:		Information <input checked="" type="checkbox"/> Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted		Not Accepted	Adjudged/Found Guilty on Counts:		Count 1
If Plea Agreement:	<input checked="" type="checkbox"/>	Accepted		Not Accepted		No Plea Agreement	Comments:
Date of Plea/Verdict:	4/26/11			PSR:		Not Disputed	<input checked="" type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/> Not Needed	Needed
Exceptions to PSR:	Court grants defendant's objections to the determination in PSR that he is subject to the Armed Career Criminal Act and orders the relevant paragraph be revised to reflect that neither the sentencing enhancement nor the mandatory minimum under the ACCA applies to the defendant.						
SENTENCE IMPOSED			Imprisonment (BOP): 60 months				
Supervised Release:	2 years			Probation:		<input checked="" type="checkbox"/>	500-Hour Drug Program
SPECIAL CONDITIONS OF SUPERVISION							
No re-entry without legal authorization				Home confinement for months days			
Comply with ICE laws and regulations				Community service for months days			
ICE to begin removal immediately or during sentence				Reside halfway house months days			
<input checked="" type="checkbox"/> Participate in substance abuse program/drug testing				Register as sex offender			
<input checked="" type="checkbox"/> Participate in mental health program				Participate in sex offender treatment program			
<input checked="" type="checkbox"/> No alcohol/liquor establishments				Possess no sexual material			
<input checked="" type="checkbox"/> Submit to search of person/property				No computer with access to online services			
No contact with victim(s) and/or co-Deft(s)				No contact with children under 18 years			
No entering, or loitering near, victim's residence				No volunteering where children supervised			
Provide financial information				Restricted from occupation with access to children			
Grant limited waiver of confidentiality				No loitering within 100 feet of school yards			
OTHER:							
Fine: \$	0			Restitution: \$	0		
SPA: \$	100 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due Imm.	Waived
OTHER:	Defendant forfeits his rights, title and interest in the following assets and properties: Kahr Arms, Model K9 9mm pistol, serial number obliterated, and seven (7) rounds of Winchester ammunition.						
<input checked="" type="checkbox"/>	Advised of Right to Appeal		Waived Appeal Rights per Plea Agreement				
<input checked="" type="checkbox"/>	Held in Custody			Voluntary Surrender			
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:			A Federal Medical Center. Alternatively, FCI Tucson or FCI Phoenix. Court also recommends that the defendant attend a BOP mental health treatment program.			
<input checked="" type="checkbox"/>	Dismissed Counts:	Government filed Motion and Court signs Order approving dismissal of Count 2 of the Indictment.					

OTHER COMMENTS	Court addresses defendant. Defendant introduces family members present. Defense counsel addresses Court. Defendant addresses Court. Court orders that Dr. Rapaport's report be attached to the PSR. Court imposes sentence. Court grants defendant's objections to the determination in PSR that he is subject to the Armed Career Criminal Act and orders the relevant paragraph be revised to reflect that neither the sentencing enhancement nor the mandatory minimum under the ACCA applies to the defendant. Court overrules defendant's objections in the PSR that he is subject to an enhanced base offense level because his prior convictions for aggravated assault and aggravated battery are crimes of violence.
----------------	---